Committee on Government and Higher Education

House of Representatives Amendments to H.B. 2646

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:
   "Section 1. Section 41-1022, Arizona Revised Statutes, is amended to read:
   41-1022. Rulemaking; approval of governor; notice of proposed rulemaking, amendment or repeal; contents of notice
   A. An agency may not conduct any formal or informal rulemaking without the prior written approval of the governor. When seeking approval to conduct rulemaking, an agency shall specify one or more of the following factors as justification for the rulemaking:
      1. To fulfill an objective related to job creation, economic development or economic expansion in this state.
      2. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
      3. To prevent a significant threat to the public health, peace or safety.
      4. To avoid violating a court order or federal law that would result in sanctions by a court or the federal government against an agency for failure to conduct the rulemaking action.
      5. To comply with a federal statutory or regulatory requirement if the compliance is related to a condition for the receipt of federal monies or participation in any federal program.
      6. To comply with a state statute or session law, including any action necessary to implement the state budget, as determined by the director of the governor's office of strategic planning and budgeting.
      7. To conduct rulemaking that is exempt pursuant to Section 41-1005.
      8. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent or abusive activities perpetrated against an agency.
   A. B. Before rulemaking, amendment or repeal, the agency shall file a notice of the proposed action with the secretary of state. The notice shall include:
      1. The preamble.
      2. The exact wording of the rule."
B. C. The secretary of state shall include in the next edition of the register the information in the notice under subsection A–B of this section.

D. At the same time the agency files a notice of the proposed rule making with the secretary of state, the agency shall notify by regular FIRST CLASS mail, telefacsimile or electronic mail each person who has made a timely request to the agency for notification of the proposed rule-making RULEMAKING and to each person who has requested notification of all proposed rule makings RULEMAKINGS. An agency may provide the notification prescribed in this subsection in a periodic agency newsletter. An agency may purge its list of persons requesting notification of proposed rule makings RULEMAKINGS once each year.

E. Before commencing any proceedings for rule-making RULEMAKING, amendment or repeal, an agency shall allow at least thirty days to elapse after the publication date of the register in which the notice of the proposed rule-making RULEMAKING, amendment or repeal is contained.

F. If, as a result of public comments or internal review, an agency determines that a proposed rule requires substantial change pursuant to section 41-1025, the agency shall issue a supplemental notice containing the changes in the proposed rule. The agency shall provide for additional public comment pursuant to section 41-1023.

G. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, "AGENCY" DOES NOT INCLUDE:

1. THE CORPORATION COMMISSION.
2. ANY AGENCY THAT IS HEADED BY A SINGLE ELECTED STATE OFFICIAL.
3. ANY AGENCY WHOSE ADMINISTRATIVE HEAD IS NOT APPOINTED BY THE GOVERNOR.

Amend title to conform

and, as so amended, it do pass

BOB THORPE
Chairman